

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
Toll Free Service Access Codes) CC Docket No. 95-155

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AMERITECH COMMENTS

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As discussed below, Ameritech supports the following measures for easing the transition to a new toll free code and managing the toll free number resource in the future: (1) prohibiting RespOrgs from assigning toll free numbers to subscribers who have not affirmatively requested such numbers, provided that such requests need not be in writing; (2) requiring

RespOrgs with more than 1% of all toll free numbers to pay into an escrow account the sum of at least \$50 each time they reserve or assign a toll free number, provided that the Commission or a Commission subcontractor administers the escrow fund; (3) prohibiting RespOrgs from reserving toll free numbers in certain, industry-designated NXX codes without a specific customer request for such numbers, and prohibiting RespOrgs from using computer programs to generate random number search and reservation transactions in such NXX codes; (4) phasing in initial 888 reservations, pursuant to procedures described in more detail below; (5) applying 800 access time standards to all toll free codes; (6) monitoring the utilization of toll free numbers, while protecting the confidentiality of proprietary information; and (7) limiting the quantity of toll free numbers that each RespOrg may hold in reserved status to 1000, or 15% of its working toll free numbers, whichever amount is greater. In addition, Ameritech gives qualified support for the Commission's proposal on directory assistance service and urges that serious consideration be given to moving certain uses of 800 numbers (personal use and paging services that assign individual 800 numbers to customers) to a new toll free code. Ameritech opposes the other proposals in the Notice.

II. DISCUSSION

A. Promoting the Efficient Use of Toll Free Numbers

1. Affirmative Customer Requests

Noting its concern over "reports that some subscribers are having toll free numbers assigned to them without even requesting them and using

them little, if at all[,]" the Commission seeks comment on whether it should require that a RespOrg or 800 service provider have an affirmative request from a subscriber before assigning a toll free number to such a subscriber. The Commission also asks whether, to permit audits of compliance with this requirement, RespOrgs and 800 service providers should be required to retain records of such affirmative requests for two years.

Ameritech supports the proposal to prohibit RespOrgs from assigning toll free numbers to subscribers who have not affirmatively requested such numbers. This proposal, if implemented, could help ensure that RespOrgs do not evade the intent of the toll free number reservation limits by nominally assigning toll free numbers to subscribers who neither need nor use those numbers. Ameritech also supports the proposal to require RespOrgs and 800 service providers to retain records of such requests for at least two years. This, or a similar record retention requirement, is necessary to ensure that the Commission has the ability to audit compliance with this rule and take enforcement actions against those that do not comply.¹

Ameritech believes that the Commission has authority under Title I of the Act to enforce this proposed rule vis-a-vis all RespOrgs, and that it is appropriate that the Commission establish clear penalties for RespOrgs that violate these rules, including those that are not common carriers. The

¹ The Commission must be aware, however, that records of customer requests, may not, in and of themselves, provide dispositive evidence of the existence or absence of warehousing. Particularly if customers are not charged for toll free numbers, customers may readily be induced to agree to request a toll free number assignment. Conversely, a legitimate assignment could be made even though a proper record of the request is not preserved. Thus, in particular instances, the Commission may have to look beyond the customer request records in order to determine whether real warehousing is occurring.

Commission could, for example, impose monetary fines and temporarily reduce the quantity of numbers that a RespOrg could reserve if that RespOrg was found to have assigned numbers without a proper request. The severity of the penalty could be tied to the severity of the offense (i.e., the quantity of numbers improperly assigned), as well as the number of times, if any, the RespOrg had previously violated this or other toll free number administration rules.

The Commission should not leave it to the Service Management System (SMS) tariff to establish and enforce requirements in this area. Database Services Management, Inc. (DSMI) is not the Commission's attorney general, and it would be inappropriate for the Commission to delegate policymaking and enforcement responsibilities to that entity. Moreover, any such delegation of the Commission's responsibilities would be a sure prescription for legal challenges and delays, as parties against whom the tariff provision was invoked would undoubtedly characterize every DSMI action as an anticompetitive action carried out on behalf of the Bell Operating Companies. (BOCs).² Enforcement would suffer as DSMI understandably would be reluctant to expose its actions to challenge by vigorously enforcing any such tariff provisions against BOC competitors.

Ameritech is also concerned that any requirement for affirmative customer requests not be too burdensome. For example, a requirement that customer requests be in writing could result in delays and inconvenience to

² The BOCs are currently seeking to sell Bellcore. Even after the BOCs have divested themselves of Bellcore, DSMI would continue to be open to such allegations, however unjustified, because of its contractual relationship with the BOCs.

800 subscribers and interfere with the efficient processing of 800 service requests. Instead, RespOrgs should be given the flexibility to document customer requests using any of the procedures authorized for 1+ presubscribed interexchange carrier (PIC) changes.³

Finally, while paragraph 13 of the Notice appears to contemplate that an affirmative customer request would be a precondition to assigning a toll free number to a particular subscriber, other proposals in the Notice indicate that the Commission may be contemplating a rule that no toll free number may be reserved by a RespOrg absent an affirmative customer request.⁴ Ameritech believes that this latter proposal is neither necessary nor desirable. So long as RespOrgs cannot assign a toll free number to a customer without an affirmative request, and so long as the quantity of numbers is limited, there is little reason to prohibit RespOrgs from temporarily reserving toll free numbers in their own name for use in marketing toll free service to customers. If the RespOrg does not find a customer for any reserved numbers, the RespOrg would be obligated to return those numbers to spare status at the end of the reservation period, which is currently sixty days. While a small quantity of numbers might thus be unnecessarily unavailable for a brief period, this is unlikely to have a significant effect on the overall supply of toll free numbers.

³ See section 64.1100 of the Commission's rules.

⁴ For example, in its discussion of warehousing, the Commission tentatively concludes that RespOrgs should be required to certify that "there is an identified subscriber who has agreed to be billed for service associated with each toll free number requested from the database." Notice at para. 34.

Allowing RespOrgs to reserve a limited quantity of numbers also greatly facilitates the marketing of toll free services. Marketers can offer particular numbers to customers, and they can assign those numbers on the spot, without having to query the SMS each time to check on the availability of those numbers. In contrast, if an SMS query were required for every customer assignment, Ameritech, and presumably other RespOrgs, would have to dedicate considerable additional resources to handle number requests from marketers, including the associated SMS query for each customer.

2. Escrow Requirements

A second proposal the Commission offers to promote the efficient use of toll free numbers is to require "a one-time deposit into an escrow account for each toll free number held in reserved status."⁵ The Commission suggests that the deposit "could be paid by RespOrgs, 800 Service Providers, third party agents who obtain toll free numbers for distribution, and/or toll free service subscribers."⁶ The Commission seeks comment on how such an escrow account should work, as well as how such a fund would be managed, and by whom.

Ameritech believes that an escrow requirement, if properly and fairly structured, could further promote the efficient use of toll free numbers and, in particular, reduce warehousing of such numbers. As the Commission notes, a RespOrg currently pays only 70 cents for each toll free number drawn

⁵ Notice at para. 14.

⁶ Id.

from the SMS/800 database. This amount reflects the cost of creating and maintaining the customer record in the SMS/800 database, not the value of the reservation to the RespOrg. Because of the gap between the cost and the value of a toll free number reservation, RespOrgs have incentives to reserve as many numbers as they can.

An escrow requirement could alter these incentives. In particular, by increasing the cost of toll free number reservations -- particularly reservations of numbers that are not promptly placed in working status -- an escrow requirement could reduce the incentives of RespOrgs to reserve toll free numbers for which they have no immediate customer need.

While Ameritech thus supports an escrow requirement, in concept, Ameritech's support is conditioned on two caveats. First, any escrow requirement established by the Commission should not apply to small and new RespOrgs. In order for an escrow requirement to deter warehousing, the required escrow payment for each toll free number reserved must be on the order of \$50 per number or more. Smaller RespOrgs may lack the resources necessary to make these payments without substantial hardship. For example, if the escrow fee is \$50 per number, reservation of 5000 numbers would require an escrow payment of \$250,000.

Likewise, if the escrow requirement applied to new RespOrgs -- those without a substantial base of 800 service subscribers -- those RespOrgs would be placed at a significant competitive disadvantage vis-a-vis incumbent RespOrgs with large embedded customer bases. That is because the incumbent RespOrgs could finance their escrow payments through revenues

they receive from their existing 800 service subscribers. New RespOrgs, in contrast, have no significant base of customers that could provide the revenues to support escrow payments, particularly if there is any significant lag time at all between when payments are made and amounts are refunded. Under the circumstances, requiring small and new RespOrgs to make escrow payments would be inequitable and detrimental to fair competition among toll free service providers. For these reasons, Ameritech would support an escrow requirement only if, as the Commission suggests in the Notice, that requirement applied only to RespOrgs that had reserved one percent or more of all toll free numbers.

A second condition of Ameritech's support for an escrow requirement is that the Commission or a Commission contractor administer the escrow fund. DSMI is not equipped to assume this responsibility, and it should not be asked to. It has neither the systems nor the expertise to manage an escrow fund of this size. DSMI would, however, be willing to work with the Commission's contractor by providing information about RespOrgs' SMS/800 activity that triggers an escrow obligation or refund eligibility.

If the Commission does adopt an escrow requirement, Ameritech recommends that escrow payments be refunded when a disconnect order for a number is submitted to DSMI or when the customer changes RespOrgs.⁷

⁷ In the latter event, the original escrow payment would be refunded to the original RespOrg, and the new RespOrg would be responsible for a new escrow payment (assuming the new RespOrg accounts for more than 1% of all toll free numbers). Because RespOrg changes need not be made through the SMS/800 administrator, the two RespOrgs would have to notify the SMS/800 administrator of the change so that the escrow adjustments could be made. These notification procedures can be developed by the SMS/800 Numbering Assignment Committee (SNAC).

Although industry guidelines currently require RespOrgs to return 800 numbers to spare status when those numbers are disconnected, it is Ameritech's understanding that RespOrgs sometimes retain those numbers for reassignment to other customers.⁸ An escrow requirement potentially could increase RespOrgs' incentives to engage in this practice. In particular, RespOrgs might seek to avoid their escrow obligation by retaining toll free numbers, or transferring them directly to new subscribers, rather than returning them to spare status for possible reclamation in the future. If, however, escrow refunds are paid only after toll free numbers are returned to spare status or transferred to another RespOrg, RespOrgs might be incented to return all disconnected toll free numbers to spare status.⁹

3. Lag Time

A third group of proposals aimed at increasing the efficiency of toll free number administration would reduce the amount of time toll free numbers could remain in certain statuses. The Commission offers four proposals to this end. First, the Commission proposes to reduce the amount of time a toll free number can remain in reserved status from 60 days to 45 or 30 days. Second, the Commission proposes to reduce the amount of time a toll free

⁸ The frequency of this practice may be due, in part, to the fact that compliance with the 800 Number Administration Guidelines is voluntary. To this extent, a formal Commission requirement that disconnected numbers be returned to spare status could reduce its frequency. Nevertheless, violations would remain difficult to detect.

⁹ If escrow payments are refunded when a number is placed in working status, a RespOrg could effectively avoid its escrow obligations by recycling numbers, rather than returning them to spare status and paying the required escrow fee for subsequent reservations. If, on the other hand, the escrow payment is refunded only after the number is returned to spare status, the RespOrg gains no advantage by recycling the number. While it avoids subsequent escrow obligations, it also forfeits any immediate right to its escrow refund.

number can be assigned, but not working, from twelve months to four months. Third, the Commission proposes to reduce the time allowed for "aging" disconnected toll free numbers from six months to four months. Finally, the Commission proposes to reduce the amount of time toll free numbers can be in "suspended" status -- i.e., temporarily disconnected, but scheduled for reactivation -- from twelve months to four months.

Ameritech opposes each of these proposals. As an initial matter, none of these proposals would appear to be necessary, since none would affect the overall rate of consumption of toll-free numbers. They would only affect the short-term availability of a relatively small quantity of numbers. While such short-term measures may have been necessary to help avoid a gap between 800 exhaust and 888 implementation, the circumstances that led to the possibility of such a gap are not likely to repeat themselves. Indeed, one of the purposes of this proceeding is to ensure a smooth transition to future toll free codes. Absent a short-term risk that toll free numbers will be exhausted, measures that would increase the pool of available numbers on a short-term basis only would serve little purpose.

At the same time, the four measures proposed could inconvenience customers, complicate their business planning, and subject them to unnecessary costs. For example, the Commission's proposals to reduce the period during which numbers can remain in reserve status or in assigned, but not working, status could force customers to activate and pay for a service for which they have no immediate need. A particular toll free number may be critical to a business plan or marketing strategy, and customers may require assurances that they will be able to secure that number before investing in

that plan or strategy or completing the work necessary to begin operations. Likewise, customers who have reserved numbers that are essential to their businesses may experience construction delays, problems with their telecommunications systems, or other problems that delay their need for the number. Reducing the period during which toll free numbers can remain in reserve status, or in assigned, but not working, status could require these customers either to return their number to spare status, and risk losing it, or initiate service before the service is needed. Indeed, given that this latter option is available, the Commission's proposals would not likely even affect the short-term availability of toll free numbers. The only effect would likely be to subject subscribers to impose unnecessary costs and inconvenience.

Likewise, the Commission's proposal to reducing the "aging" period for toll free numbers would inconvenience customers and increase their costs, without having any long-term impact on the consumption or availability of toll-free numbers. As the Commission recognizes, a certain amount of lag time is necessary to prevent excessive misdialing, unreasonable expense to the new toll free subscriber, and confusion for the toll free caller. To the extent lag time is insufficient, everyone loses. The previous user of the number, which might have maintained a recording providing its new number to the caller, potentially loses a customer. The new user of the number, which is billed for a call that was intended for the former user, either has to pay that bill or go to the trouble of arranging a credit with its service provider. Its employees also waste time answering the misrouted calls. The service provider incurs the cost of handling credit requests and, if credit is given, loses the revenues associated with the call.

And finally, customers waste time dialing wrong numbers and may find it more difficult to reach the party they intended to call.

Notwithstanding these costs, and the lack of any long-term benefit to reducing the aging period, the Commission -- without any support whatsoever -- states its belief that the current aging period is longer than necessary or reasonable. Ameritech submits that the industry is in the best position to assess whether the existing aging period should be changed, and that this is a matter best left to industry consensus. Certainly the Commission should not, and cannot, mandate a change in the aging period without explaining the basis for, and evidence underlying, its conclusion that the current aging period is too long.

Finally, the Commission should also reject its proposal to reduce the period during which toll free numbers can remain in "suspended" status. Like the other proposals, this proposal addresses a short-term problem that is not likely to recur. And like the other proposals, it would have little, if any, impact on the availability of toll free numbers in the long-term. It would, however, impose unnecessary costs on those that use toll free numbers on a seasonal basis.¹⁰ Those users would be forced either to forfeit their toll free number of choice or to keep it in working status during periods in which they are not using it.

¹⁰ Examples of such users might include beach resorts, ski lodges, merchandisers of Christmas items, and other seasonal businesses.

4. Personal Identification Numbers

The Commission's fourth and final proposal for making more efficient use of toll free numbers is to "facilitate, encourage, or reward the use of a PIN [personal identification number] system for at least some services, such as personal toll free service, or paging service, that may make less intensive, or low use of the toll free numbers assigned to the service providers."¹¹ The Commission asks commenters to address "a workable definition of low use." The Commission suggests, as one option, reducing any escrow requirement for 800 Service Provider using PIN technology.¹²

Ameritech does not believe it either necessary or appropriate for the Commission to establish regulatory incentives for carriers to use PIN systems. For one thing, subscribers who share toll free numbers through PIN technology are denied the benefits of number portability. Some of these subscribers may not even be aware that, by electing an 800 number with a PIN, they have forfeited this right. The Commission should thus be wary of encouraging the widespread use of PIN technology.

Second, carriers do not need incentives to deploy PIN technology. There are efficiencies and other benefits that are offered by PIN systems, and these benefits are incentive enough for carriers, paging companies, and other entities to deploy those systems. For example, companies can allow all of their customers to share one easily remembered toll free number (such as 1-

¹¹ Notice at paras. 20-21.

¹² Notice at para. 15.

800 SKY-PAGE), so that customers need only remember a shorter PIN.

Likewise, if the Commission adopts an escrow requirement, those responsible for escrow payments could reduce their obligation through PIN systems that enable multiple subscribers to share the same toll free number. Indeed, the Commission recognizes in the Notice that MCI, SkyPage, and AT&T are already using PIN technology, without the Commission having established special incentives for them to do so.

Third, if incentives were available, as the Commission suggests, only to "low use" subscribers, the Commission would have to define "low use" and any definition is bound to be arbitrary. Defining "low use" would be further complicated by the need to consider seasonal variations in the uses of toll free numbers and changes in usage over time. Moreover, any policy based on usage would require intrusive inquiries into usage data, which is considered proprietary by 800 service providers. Therefore, the Commission should refrain from taking affirmative steps to encourage the use of PIN systems, instead relying on market forces to govern deployment of this technology.

B. Mechanics of Opening New Toll Free Codes

Another set of Commission proposals relates to the mechanics of opening new toll free codes. The Commission's proposals in this area address four issues. We address these issues, in turn, below.

1. Reservation of New Toll Free Codes

As the Commission notes, industry guidelines currently provide for the reservation of toll free numbers on a first-come, first-served basis. The Commission seeks comment on whether these procedures should be codified or changed. Noting, for example, that large RespOrgs that use mechanized generic interface (MGI), which provides a direct interface between their internal computer systems and the SMS/800 database, are able to reserve mass quantities of toll free numbers, in rapid order, the Commission seeks comment on whether the reservation guidelines should be amended. The Commission asks, in particular, whether dispute resolution procedures should be prescribed in the event a particular number is requested by more than one party, and whether a lottery system might govern number assignments in the event dispute resolution procedures failed. The Commission also seeks comment on whether special reservation procedures should apply to certain codes, such as 555, that are in high demand.

Ameritech believes that the only practical basis on which numbers can be assigned is a first-come, first-served basis. Any other system would likely preclude customers from securing toll free numbers at the time they request them. For example, the Commission's proposed dispute resolution procedure assumes that the first customer who requests a number cannot be assigned that number until some opportunity has been given others to request the same number. Tacking a lottery process onto unsuccessful attempts at dispute resolution would only exacerbate the delays associated with reserving 800 numbers. Moreover, both dispute resolution and lottery systems would be prescriptions for profiteering, as various entities might

place claims for numbers and seek payment from other claimants for withdrawing their claims. This has been the Commission's experience with lotteries in other contexts, and there is no reason to assume it would be any different here. Thus, while Ameritech agrees that RespOrgs with MGI have advantages over other RespOrgs in securing toll free numbers, dispute resolution procedures and lotteries are not the way to address those advantages.

Ameritech does, however, believe that the Commission can take other measures to protect the fairness and integrity of the number reservation process. An escrow requirement, as discussed above, that would apply to the largest RespOrgs, could minimize their use of MGI to reserve mass quantities of numbers for which they are not likely to have any immediate need. A requirement that numbers may not be assigned to a specific customer unless that customer has affirmatively requested such numbers could also curtail MGI abuse, since this requirement would make it more difficult for RespOrgs to circumvent number reservation limits by placing numbers in working status in the names of fictitious customers.

Ameritech also believes that special procedures should be established for certain, particularly valuable NXXs. Specifically, Ameritech suggests that the Commission establish a rule that no numbers may be reserved in certain NXXs without a specific customer request for such numbers.¹³ In addition, the Commission should prohibit the use of

¹³ As noted above, Ameritech opposes the establishment of such a rule for all numbers because that would interfere with the marketing of toll free services. A limited exception, however, for industry-identified special codes could promote fair access to these codes.

computer programs to generate random number search and reservation transactions in such NXXs. Ameritech recommends that the Commission direct the industry, through the SNAC, to identify NXXs that would be subject to this rule. These might include, for example, 555, 843 (THE), 878 (USA), and others. While this solution would not eliminate the advantage that RespOrgs with MGI have with respect to vanity numbers that do not include the designated NXX, it will help to ensure that numbers in these special NXXs are not immediately depleted by RespOrgs using computers to generate mass transactions, and it will allow for more equitable access to these numbers.

Ameritech opposes codification of the number administration guidelines at this time. While some of the rules that Ameritech advocates in these comments reflect guideline provisions, codifying all of the guidelines could deny the industry needed flexibility to adapt those guidelines to changing circumstances. Particularly as the industry transitions to a new toll free service environment, it is important to maintain this flexibility.

2. Phased Introduction of New
Toll Free Service Access Codes

Expressing concern that new toll free numbers, including 888 numbers, will be quickly depleted after they are made available, and that the initial demand for such numbers could possibly overload the SMS system, the Commission seeks comment on whether it should limit the quantity of numbers that can be drawn from the database in a given time period. It proposes, in particular, that limits be set on the quantity of numbers that can change from reserved to assigned or working status in one day. It also proposes allowing numbers to be reserved 45 days in advance of the general

availability of the next toll free code and asks whether it should require expansion of the data links between the SMS and Service Control Points (SCPs) to accommodate the new volume of traffic expected when 888 numbers are initially made available.

Ameritech agrees with the Commission that a process should be put into place to ensure that the initial impact of opening a toll free code does not compromise the smooth operation of the SMS/800 system. The SMS/800 system currently has more than sufficient resources to handle normal daily transaction and record downloading requirements. In light of the strict limits that have been placed on the availability of 800 numbers pending implementation of 888 access, however, initial demand for 888 numbers may stress SMS/800 performance if limits are not established.

To avoid this occurrence, Ameritech recommends that the Commission establish a process to control the volume of initial 888 reservations. Ameritech understands that the SMS/800 currently has the capability to limit the quantity of numbers that can be transferred by a RespOrg from spare to reserved status in a given time period. The Commission should take advantage of this capability by limiting the number of reservations that each RespOrg can make in a single day. The reservations process for 888 numbers should begin sufficiently in advance of the date 888 access is implemented so that each RespOrg is accorded sufficient time to make the number of reservations it is permitted under industry guidelines prior to implementation of 888 access.

The SMS/800 currently has the capacity to download approximately 100,000 records per day, assuming that the records are of the same size and complexity as current SMS/800 records.¹⁴ The daily limit that would apply to each RespOrg must reflect this capacity and the number of RespOrgs that will be reserving 888 numbers. While information on the number of RespOrgs that are currently operational is readily available, the Commission has placed a temporary freeze on new RespOrg certifications, and thus it is not currently possible to determine how many additional RespOrgs will be making initial 888 reservations. To permit this determination, the Commission should allow DSMI to resume processing requests for RespOrg certification (with such certifications to be effective on the date 888 reservations are first permitted). The Commission should also instruct the SNAC to devise a process for phasing-in initial reservations for 888 and other toll free code so that the cutover to new codes can be accomplished without stressing the SMS/800 system.

If the Commission takes the measures outlined above, it would not be necessary to expand the data links between the SMS/800 and the SCPs to accommodate initial reservations for 888 and other new toll free codes. Moreover, an expansion of the data links would be inefficient and wasteful since these links have been sized to accommodate normal traffic volumes, and the anticipated increase in volumes during the initial 888 loading will be temporary only. In any case, Ameritech has serious questions about whether the data links could be expanded in time to meet the March 1, 1996, 888

¹⁴ Actual capacity depends on both the size and complexity of the records and the geographic scope of the service, since records for regional toll free service need not be downloaded to all SCPs.

deployment date. Therefore, the Commission should not order any expansion of the SMS/800 data links.

The Commission should, however, take one additional step to ensure that the data links are not overloaded in the future. The Commission should require RespOrgs that will be building unusually large numbers of complex records in a brief period of time to provide SCP owner/operators with advance notice of such orders. Ameritech suggests that if, in any one day, a RespOrg will be building more than 1000 records that include screening for more than 100 NPA NXXs, that RespOrg should be required to give the SCP owner/operator a minimum of 24 hours notice of such orders, so that a schedule can be worked out that avoids any undue congestion on the data links.

3. Implementation Plan for Next Toll Free Code Beyond 888

Seeking to ensure a smooth transition to future toll free codes (beyond 888), the Commission proposes to mandate planning and technology deployment schedules for such codes. The Commission seeks comment on whether particular events, such as when unassigned numbers in one toll free code decline to a specified percentage, should trigger an obligation to begin deployment of the next toll free code. It also asks whether it would be reasonable to mandate implementation of a new toll free code six months after such triggering event. In addition, stating its belief that the major switch vendors have committed to developing, or have made available, the software necessary to support all currently reserved toll free codes, the Commission proposes to require that this software be deployed in all network switches by

February 1997. The Commission also proposes to require LECs to offer the same interconnection options for all toll free codes, and to meet the access time requirements established in the 800 Database proceeding for all toll free codes.

Ameritech supports the Commission's proposal to require that LECs meet the 800 access time standards for all toll free codes. Ameritech plans to meet these standards for future toll free codes, as it believes that high service quality standards should be maintained as new toll free codes are introduced.

Ameritech cannot, however, support the other proposals to control network deployment of new toll free codes. These proposals would constitute an unprecedented and inappropriate intrusion into network deployment decisions that are properly the prerogative of carriers. The Commission has been wise in the past to avoid micromanaging carrier networks. In the 800 database proceeding, for example, on reconsideration, the Commission specifically reversed its decision to dictate SS7 deployment in carrier networks, opting instead to establish service quality (access time) standards that carriers could meet through whatever network architecture and deployment schedules they chose.¹⁵ Similarly, the Commission has no business here micromanaging networking planning decisions that are properly within the purview of each carrier.

The Commission's proposals are particularly troublesome because they would establish deadlines for the implementation of technology that is not

¹⁵ Provision of Access for 800 Service, 6 FCC Rcd 5421 (1991).

yet available and, Ameritech believes, is not being developed by all vendors. Ameritech's switch vendors have made available the software to accommodate two additional toll free codes -- 888 and 877. Ameritech's largest vendors, however, have not yet offered any commitment to develop the software needed for other toll free codes in all their switch types. Ameritech has no idea whether that software would be available in time for Ameritech to meet a February 1997 deployment deadline.

Nor is it clear why the Commission chose February 1997 for its proposed deployment date or whether this date even remotely approximates the time when the software for 866 and other toll free codes will be needed. Indeed, given that 888 access will not even be implemented until March 1996, it is highly unlikely that the 888 and the 877 code would be approaching exhaust just eleven months later.¹⁶ Thus, even assuming that the software needed to accommodate 866 access was available in time to meet the February 1997 date, there is no reasonable basis upon which the Commission could conclude it will be anything other than excess capacity at that time.

Even if LEC switches could accommodate all currently designated toll free codes by February 1997, it is not likely that the SMS/800 system would be able to support such codes. At this point in time, investigation into the impacts associated with the addition of 8XX codes to the SMS/800 system is still underway. It is clear, however, that the current system will not support deployment of all the 8XX codes without significant architectural redesign. It

¹⁶ If the Commission believes that two new toll free codes will exhaust in eleven months, the Commission should be taking measures in this Notice to ensure that this does not occur, instead of planning for additional codes that presumably would also exhaust almost immediately.